

Hall of the House of Representatives
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1663

"TO PROMOTE THE CONSERVATION OF ENERGY AND NATURAL RESOURCES IN
BUILDINGS OWNED BY THE STATE OR INSTITUTIONS OF HIGHER EDUCATION."

Amendment No. 2 to House Bill No. 1663.

Amend House Bill No. 1663 as engrossed, H3/18/09 (version: 03-18-2009 08:45):

Delete title in its entirety and substitute the following:

"AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND NATURAL RESOURCES IN
BUILDINGS OWNED BY PUBLIC AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION; AND
FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO PROMOTE THE CONSERVATION OF ENERGY
AND NATURAL RESOURCES IN BUILDINGS OWNED
BY PUBLIC AGENCIES AND INSTITUTIONS OF
HIGHER EDUCATION."

AND

Page 1, line 26, delete "22-2-201" and substitute "25-4-401"

AND

Page 2, line 10, delete "22-2-202" and substitute "25-4-402"

AND

Page 2, delete lines 13 and 14 and substitute:

"university or college;

(2) "Life-cycle cost analysis" means an analytical technique that
considers the costs of owning, using, and operating a facility over its
economic life including without limitation:

(A) Initial costs;

(B) System repair and replacement costs;

(C) Maintenance costs;

(D) Operating costs, including energy costs; and



(E) Salvage value;
(3)(A) "Major facility" means a construction project larger than"

AND

Page 2, line 18, delete "(3)" and substitute "(4)"

AND

Page 2, line 19, delete "insured" and substitute "current replacement"

AND

Page 2, line 23, delete "(4)" and substitute "(5)"

AND

Page 2, delete line 24 and substitute:
"department, or commission; and"

AND

Page 2, line 25, delete "(5)" and substitute "(6)"

AND

Page 2, delete lines 29 through 36 and substitute:

"25-4-403. The Sustainable Energy-Efficient Buildings Program.

(a) The Sustainable Energy-Efficient Buildings Program is established to promote energy conservation in buildings owned by public agencies and buildings owned by institutions of higher education.

(b) Under the Sustainable Energy-Efficient Buildings Program:

(1) For public agencies, the Arkansas Energy Office of the Arkansas Economic Development Commission shall develop and:

(A) Issue policies and technical guidelines to establish procedures and methods for compliance with the criteria and the performance standards for a major facility or a major renovation under § 25-4-404; and

(B) Administer an energy management program and an operation and maintenance program designed to achieve compliance with the requirements of § 25-4-406 through the implementation of energy conservation measures.

(2) For the institutions of higher education, each institution of higher education:

(A) Shall develop and issue policies and technical guidelines to establish procedures and methods for compliance with the criteria and the performance standards for a major facility or a major renovation under § 25-4-404; and

(B) May administer an energy management program and an operation and maintenance program designed to achieve compliance with the requirements of § 25-4-406 through the implementation of energy conservation measures."

AND

Page 3, delete lines 1 through 5

AND

Page 3, line 7, delete "22-2-204" and substitute "25-4-404"

AND

Page 3, delete lines 9 through 13 and substitute:

"(1) A major facility of a public agency or an institution of higher education shall be designed, constructed, and certified to at least ten percent (10%) reduction below the baseline energy consumption determined in accordance with the Performance Rating Method of Appendix G of the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Standard 90.1-2007, as it existed on January 1, 2009."

AND

Page 3, line 19, delete "Standard 90.1-2004" and substitute "Standard 90.1-2007"

AND

Page 3, line 21, delete "Standard 90.1-2004" and substitute "Standard 90.1-2007"

AND

Page 3, delete lines 23 through 26 and substitute:

"(b)(1) A major renovation of a public agency or an institution of higher education shall be certified to at least ten percent (10%) reduction below the baseline energy consumption determined in accordance with the Performance Rating Method of Appendix G of the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Standard 90.1-2007, as it existed on January 1, 2009.

(2) Subdivision (b)(1) of this section applies to a major renovation that has not entered the schematic design phase before the effective date of this act."

AND

Page 4, line 2, delete "Arkansas Building Authority" and substitute: "Arkansas Energy Office of the Arkansas Economic Development Commission or the institution of higher education"

AND

Page 4, line 3, delete "Standard 90.1-2004" and substitute "Standard 90.1-2007"

AND

Page 4, line 4, delete "authority" and substitute "Arkansas Energy Office or the institution of higher education"

AND

Page 4, line 17, after "agency" insert "or institution of higher education"

AND

Page 4, line 21, delete "authority" and substitute "Arkansas Energy Office or to the governing board of the institution of higher education"

AND

Page 4, delete lines 24 through 26 and substitute:
"the one-year period after the date of beneficial occupancy is more than the baseline consumption determined in accordance with the Performance Rating Method of Appendix G of the American Society of Heating, Refrigerating and Air Conditioning Engineers, Standard 90.1-2007, as it existed on January 1, 2009, the designer, the owner public agency or the owner institution of higher education, the contractor,"

AND

Page 4, line 34, delete "22-2-205" and substitute "25-4-405"

AND

Page 5, delete lines 7 and 8 and substitute:

or cultural significance;

(2) A building that is acquired by devise or gift; or

(3) A building that is purchased for demolition."

AND

Page 5, line 10, delete "22-2-206" and substitute "25-4-406"

AND

Page 5, line 11, delete "Arkansas Building Authority" and substitute:
"Arkansas Energy Office of the Arkansas Economic Development Commission"

AND

Page 5, line 14, after "all" insert "existing"

AND

Page 5, line 16, after "year" insert "if the savings can be justified by a life-cycle cost analysis"

AND

Page 5, line 18, delete "authority" and substitute "Arkansas Energy Office"

AND

Page 5, line 32, delete "authority" and substitute "Arkansas Energy Office"

AND

Page 6, line 8, after "audit" insert ", to the extent funds are available"

AND

Page 6, line 10, delete "authority" and substitute "Arkansas Energy Office"

AND

Page 6, line 13, delete "authority" and substitute "Arkansas Energy Office"

AND

Page 6, line 19, delete "authority" and substitute "Arkansas Energy Office"

AND

Page 6, line 22, after "implement" insert ", to the extent funds are available,"

AND

Page 6, line 24, delete "authority's" and substitute "Arkansas Energy Office's"

AND

Page 6, line 28, delete "authority" and substitute "Arkansas Energy Office"

AND

Page 6, line 35, delete "authority's" and substitute "Arkansas Energy Office's"

AND

Page 6, line 36, after "section" insert ", to the extent funds are available"

AND

Page 7, line 2, delete "22-2-207" and substitute "25-4-407"

AND

Page 7, line 12, delete "authority" and substitute "Arkansas Energy Office"

AND

Page 7, delete line 15 and substitute"

"25-4-408. Advisory committee for the Arkansas Energy Office of the Arkansas Economic Development Commission."

AND

Page 7, line 16, delete "Arkansas Building Authority" and substitute "Arkansas Energy Office of the Arkansas Economic Development Commission"

AND

Page 7, delete line 36 and substitute:

"25-4-409. Rules."

AND

Page 8, line 1, delete "Arkansas Building Authority" and substitute "Arkansas Energy Office of the Arkansas Economic Development Commission"

AND

Page 8, line 4, delete "authority's" and substitute "Arkansas Energy Office's"

AND

Page 8, line 13, delete "authority" and substitute "Arkansas Energy Office"

AND

Page 8, line 18, delete "22-2-210" and substitute "25-4-410"

AND

Page 8, line 19, delete "Arkansas Building Authority" and substitute "Arkansas Energy Office of the Arkansas Economic Development Commission, to the extent funds are available,"

AND

Page 8, line 20, delete "for Public Agencies"

AND

Page 8, delete line 34 and substitute:

"Arkansas Energy Office and each institution of higher education shall report to the cochairs of the Legislative Council its:"

AND

Page 8, delete line 36 and substitute:

“(2) Recommended changes, if any.

25-4-411. Applicability.

(a) The boards of trustees for the University of Arkansas, Arkansas State University, the University of Central Arkansas, Henderson State University, Arkansas Tech University, and Southern Arkansas University are exempt from the provisions of this subchapter if those institutions develop policies and procedures to meet the specific performance criteria and goals for a major facility or major renovation.

(b)(1) The board of trustees of any institution of higher education that is not included under subsection (a) of this section may be exempted from the provisions of this subchapter by the Department of Higher Education.

(2) Before granting an exemption to a board of trustees of an institution of higher education under subdivision (b)(1) of this section, the department shall review and approve the policies and procedures to meet the specific performance criteria and goals for a major facility or major renovation.

(c) This subchapter does not:

(1) Preclude an institution of higher education from adopting the policies and technical guidelines for a major facility or a major renovation that are established by the Arkansas Energy Office of the Arkansas Economic Development Commission under § 25-4-403(b)(1); or

(2) Affect the processes or exemptions under § 22-6-601.”

The Amendment was read _____
By: Representative Webb
GLG/RCK - 04-06-2009 13:37
GLG195 _____ Chief Clerk